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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,471	12/04/2001	Dieter E. Staiger	DE919990094US1	7452

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EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
	2194

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/004,471	STAIGER, DIETER E.
	Examiner	Art Unit
	VAN H. NGUYEN	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 January 2005.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-21 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kim et al.** (U.S. 4,625,308).
4. As to claim 1, Kim teaches the invention as claimed including a message processing device for communicating with remote units over at least one data network and with at least one dedicated CPU (col.2, line 54-col.3, line 51), comprising:
first execution unit for receiving a message to be processed and determining the kind of processing treatment to be performed with the received message (e.g., receives messages...examining the message type; col.76, lines 46-61 and col.84, lines 52-67),
a second execution unit for performing the determined processing treatment (e.g., If the message dispatcher task determines that the intended message destination is a lower-level subsystem, the serial subsystem-control subsystem interface task is initiated which decodes the destination field and initiates message transmission to the appropriate serial subsystem. If the

task determines that the destination is the control subsystem itself, the message processing task is initiated which evaluates the message data and takes the appropriate action; col.76, lines 46-61/the message processors perform whatever action is required by the message; col.78, lines 8-12), and

a third execution unit for presenting the result of the determined processing treatment to be forwarded to a destination unit (*e.g., routes required responses to the appropriate destination; col.78, lines 8-12*).

5. As to claim 2, Kim teaches the first execution unit comprises a memory device for storing control information being used to determine the processing treatment to be performed with the received message (col.33, lines 53-55; col.52, lines 51-56; and col.84, lines 65-66).
6. As to claim 3, Kim teaches the second execution unit comprises a first set of registers for storing message specific information specifying the data contents and the determined processing treatment of the received message (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67).
7. As to claim 4, Kim teaches the second execution unit comprises a first set of registers for storing message specific information specifying the data contents and the determined processing treatment of the received message (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67).
8. As to claim 5, Kim teaches the second execution unit comprises at least one process execution unit having access to the first set of registers for performing the determined processing treatment (col.83, lines 39-67).
9. As to claim 6, Kim teaches the second execution unit comprises three or more process

execution units having access to the first set of registers for performing the determined processing treatment (col.83, lines 25-67).

10. As to claim 7, Kim teaches the second execution unit comprises a second set of registers being connected to the at least one process execution unit for storing information needed by the process execution unit (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67).

11. As to claim 8, Kim teaches the second execution unit comprises a second set of registers being connected to the at least one process execution unit for storing information needed by the process execution unit (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67).

12. As to claim 9, Kim teaches the second execution unit is configured to monitor the first set of registers in order to start processing the received message once a process execution unit is available for processing (col.83, lines 39-67).

13. As to claim 10, Kim teaches the second execution unit is configured to monitor the first set of registers in order to start processing the received message once a process execution unit is available for processing (col.83, lines 39-53).

14. As to claim 11, Kim teaches the second execution unit is configured to monitor the first set of registers in order to start processing the received message once a process execution unit is available for processing (col.83, lines 39-53).

15. As to claim 12, Kim teaches the third execution unit is configured to monitor the first set of registers in order to start presenting the result of the message processing once the processing of the received message is complete (col.83, lines 54-67).

16. As to claim 13, Kim teaches the first execution unit comprises an interface for configuring the memory device with the control information being used to determine the

treatment to be performed with the received message (col.83, lines 39-67 and col.84, lines 52-64).

17. As to claim 14, Kim teaches a switchboard device (col.25, lines 39-56).
18. As to claim 15, Kim teaches a multiplexer connected to the first and third execution unit and for providing connections to several bus adapters and the CPU (col.25, lines 39-48 and col.26, lines 25-36).
19. As to claim 16, Kim teaches an interrupt bus connected to the first execution unit and to several bus adapters and the CPU (col.81, lines 16-25).
20. As to claim 17, Kim teaches a controller for controlling the multiplexer, whereby the controller is configured to be controlled by either the third execution unit or the CPU (col.34, lines 11-14 and col.39, lines 10-13).
21. As to claim 18, Kim teaches a controller for controlling the multiplexer, whereby the controller is configured to be controlled by either the third execution unit or the CPU (col.34, lines 11-14 and col.39, lines 10-13).
22. As to claim 19, it is directed to a method for presenting the device of claim 1, and is similarly rejected under the same rationale. Additionally, Kim further teaches a first set of registers (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67) and the processing is executed, among other things, sequentially (col.76, lines 53-col.77, line 2).
23. As to claim 20, Kim teaches storing control information being used to determine the treatment to be performed with a received message (col.84, lines 51-68 and col.100, lines 29-37).
24. As to claim 21, it is directed to a computer program product for implementing the device of claim 1, and is similarly rejected under the same rationale. Additionally, Kim further

teaches a first set of registers (col.33, lines 31-52; col.34, lines 24-30; and col.83, lines 39-67) and the processing is executed, among other things, sequentially (col.76, lines 53-col.77, line 2).

Response to Arguments

25. Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

26. In the remarks, Applicant argued in substance that (a) Kim does not teach a system or method for communicating with at least one dedicated CPU; (b) Kim does not teach receiving a message to be processed and determining the kind of message processing treatment to be performed with the received message (c) Kim does not teach monitoring as first set of registers once a process execution unit is available for processing.

27. Examiner respectfully traverses Applicant's remarks.

(i) As to point (a), Kim does teach communicating between nodes in the computer network (see abstract and col.2, line 54-col.3, line 51). The recitation "at least one dedicated CPU" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Art Unit: 2194

(ii) As to point (b), contrary to Applicant's contention, Kim teaches receiving a message to be processed and determining the kind of message processing treatment to be performed with the received message (*e.g., receives messages ... examining the message type; col.76, lines 46-61 and col.84, lines 52-67*). The scope of the claimed "the kind of message processing treatment" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1 (CCPA 1982), *In re Priest*, 199 USPQ 11 (1978). The recited "the kind of message processing treatment" is clearly subject to a broad interpretation as detailed in the rejections maintained above. The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution. *In re Prater*, 415 F.2d 1 393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt* 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language

Art Unit: 2194

explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."

In considering "the kind of message processing treatment", it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is clearly met by the cited prior art.

(iii) As to point (c), Kim teaches monitoring as first set of registers (col.34, lines 24 30).

28. Accordingly, Kim meets the limitations as broadly claimed by Applicant.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2194

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.
32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272- 3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.
33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.
34. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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